

AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2576**

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**Introduced by Assembly Member Nielsen**

February 19, 2010

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An act to amend Section ~~200~~ 2671 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL’S DIGEST

AB 2576, as amended, Nielsen. ~~Compensation.~~ *Garment manufacturing.*

*Existing law regulates the garment manufacturing industry and defines “garment manufacturing” to mean sewing, cutting, making, processing, repairing, finishing, assembling, or otherwise preparing any garment or any article of wearing apparel or accessories designed or intended to be worn by any individual for sale or resale by any person contracting to have those operations performed.*

*This bill would specify that silkscreening and embroidering are not included within the definition of garment manufacturing.*

~~Existing law defines wages as amounts paid for labor performed by employees.~~

~~This bill would make technical, nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 2671 of the Labor Code is amended to  
2     read:

3     2671. As used in this part:

4     (a) (1) "Person" means any individual, partnership, corporation,  
5     limited liability company, or association, and includes, but is not  
6     limited to, employers, manufacturers, jobbers, wholesalers,  
7     contractors, subcontractors, and any other person or entity engaged  
8     in the business of garment manufacturing.

9     (2) "Person" does not include any person who manufactures  
10    garments by himself or herself, without the assistance of a  
11    contractor, employee, or others; any person who engages solely  
12    in that part of the business engaged solely in cleaning, alteration,  
13    or tailoring; any person who engages in the activities herein  
14    regulated as an employee with wages as his or her sole  
15    compensation; or any person as provided by regulation.

16    (b) (1) "Garment manufacturing" means sewing, cutting,  
17    making, processing, repairing, finishing, assembling, or otherwise  
18    preparing any garment or any article of wearing apparel or  
19    accessories designed or intended to be worn by any individual,  
20    including, but not limited to, clothing, hats, gloves, handbags,  
21    hosiery, ties, scarfs, and belts, for sale or resale by any person or  
22    any persons contracting to have those operations performed and  
23    other operations and practices in the apparel industry as may be  
24    identified in regulations of the Department of Industrial Relations  
25    consistent with the purposes of this part. ~~The~~

26    (2) "*Garment manufacturing*" does not include silkscreening  
27    or embroidering.

28    (3) The Department of Industrial Relations shall adopt, and may  
29    from time to time amend, regulations to clarify and refine ~~this the~~  
30    definition *in this subdivision* to be consistent with current and  
31    future industry practices, but the regulations shall not limit the  
32    scope of garment manufacturing, as defined in this subdivision.

33    (c) "Commissioner" means the Labor Commissioner.

34    (d) "Contractor" means any person who, with the assistance of  
35    employees or others, is primarily engaged in sewing, cutting,  
36    making, processing, repairing, finishing, assembling, or otherwise  
37    preparing any garment or any article of wearing apparel or  
38    accessories designed or intended to be worn by any individual,

1 including, but not limited to, clothing, hats, gloves, handbags,  
2 hosiery, ties, scarfs, and belts, for another person. “Contractor”  
3 includes a subcontractor that is primarily engaged in those  
4 operations.

5 ~~SECTION 1. Section 200 of the Labor Code is amended to~~  
6 ~~read:~~

7 ~~200. As used in this article: (a) “Wages” includes all~~  
8 ~~compensation for labor performed by employees of every~~  
9 ~~description, whether the amount is fixed or ascertained by the~~  
10 ~~standard of time, task, piece, commission basis, or other method~~  
11 ~~of calculation.~~

12 ~~(b) “Labor” includes labor, work, or service, whether rendered~~  
13 ~~or performed under contract, subcontract, partnership, station plan,~~  
14 ~~or other agreement, if the labor to be paid for is performed~~  
15 ~~personally by the person demanding payment.~~